

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED
AUG 30 2017
Clerk, U.S. District Court
District Of Montana
Missoula

TIMOTHY RAY SADLER,
Plaintiff,
vs.

SHERIFF DUTTON, et al.,
Defendants.

CV 16-83-H-DLC-JTJ
(CV 17-00026-M-DLC-JCL)
(CV 17-00042-H-DLC-JTJ)

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations on July 28, 2017, recommending dismissal of Civil Action Nos. CV 16-00083-H-DLC-JTJ, CV 17-00026-M-DLC-JCL, and CV 17-00042-H-DLC-JTJ. Plaintiff Timothy Sadler (“Sadler”) has failed to timely object to the Findings and Recommendations, and, as a result, has waived his right to de novo review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations

omitted).

Having reviewed the Findings and Recommendations, the Court finds no clear error in Judge Johnston's conclusion that Sadler's various civil actions in this Court must be dismissed. As discussed in Judge Johnston's Order dated June 1, 2017, Sadler was given until June 30, 2017, to submit one global amended complaint that: (1) clarified his allegations against defendants; (2) provided specific allegations regarding his claims; and (3) provided specific factual allegations against each named defendant. (Doc. 18.) Because Sadler failed to file an amended complaint per Judge Johnston's Order, the following pending actions will be dismissed: Civil Actions Nos. CV 16-00083-H-DLC-JTJ, CV 17-00026-M-DLC-JCL, and CV 17-00042-H-DLC-JTJ.

Accordingly, there being no clear error in Judge Johnston's Findings and Recommendations, IT IS ORDERED that:

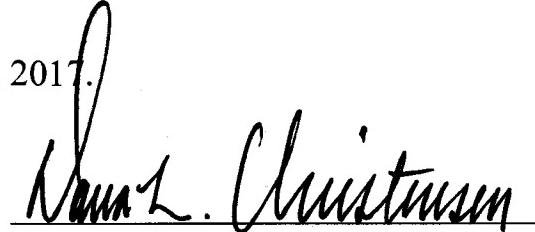
- (1) Judge Johnston's Findings and Recommendations (Doc. 18) is ADOPTED IN FULL.
- (2) Civil Action Nos. CV 16-00083-H-DLC-JTJ, CV 17-00026-M-DLC-JCL, and CV 17-00042-H-DLC-JTJ are DISMISSED WITH PREJUDICE for failure to state a claim.
- (3) The Clerk of Court is directed to close this matter and enter judgment in favor of Defendants under Rule 58 of the Federal Rules of Civil

Procedure.

(4) The Clerk of Court is directed to have the docket reflect that the Court certifies under Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the Complaint lacks arguable substance in law or fact.

(5) The Clerk of Court is directed to have the docket in Civil Action No. 16-00083-H-DLC-JTJ reflect that this dismissal counts as a strike under 28 U.S.C. § 1915(g) because Mr. Sadler failed to state a claim upon which relief may be granted.

Dated this 30th day of August, 2017.


Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court